

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**BOBBY BROWN,**

Plaintiff,

v.

**CLAY COOLEY;**

**AGUSTA MCGRUFF;**

*and all others similarly situated,*

Defendants.

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Civil Action No. **3:19-CV-29-L**

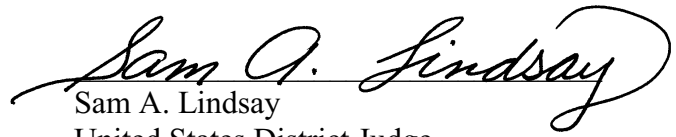
**ORDER**

On February 4, 2019, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 6) was entered, recommending that the court, pursuant to 28 U.S.C. § 1915(e)(2): (1) dismiss with prejudice Plaintiff’s civil rights claims and claim for alleged violations of the “Fair Work Act” for failure to state a claim upon which relief can be granted; and (2) decline to exercise supplemental jurisdiction over Plaintiff’s remaining state law claims and dismiss these claims without prejudice. No objections to the Report were filed.

Having reviewed the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court, pursuant to 28 U.S.C. § 1915(e)(2), **dismisses with prejudice** Plaintiff’s civil rights claims and claim for alleged violations of the “Fair Work Act” for failure to state a claim for relief upon which relief can be granted. The court also declines to exercise supplemental jurisdiction over Plaintiff’s remaining state law claims and **dismisses without prejudice** these claims.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court concludes that any appeal of this action would present no legal point of arguable merit and would therefore be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. 24(a)(5).

**It is so ordered** this 21st day of May, 2019.

  
Sam A. Lindsay  
United States District Judge